



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision Request for Variance Mark & Kathy Nai/Map 223, Lot 11**

**May 19, 2016**

**Applicant:** Mark & Kathy Nai  
P.O. Box 491  
Moultonborough, NH 03254  
**Location:** 16 Connector Road, Moultonborough, NH (Tax Map 223, Lot 11)

On May 18, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Mark & Katy Nai (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (1) to permit the construction of a 14' x 22' screen porch located 10 ft. from the right-of-way where 25 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, additional documentation and plan(s), the Board hereby makes the following findings of fact:


- 1) The property is located at 16 Connector Road, Moultonborough, NH (Tax Map 223, Lot 11).
- 2) The applicants are the owners of record for the lot.
- 3) Mark Nai presented the application for the variance.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a 14' x 22' screen porch located 10 ft. from the right-of-way where 25 ft. is required.
- 6) No members of the public wished to speak during the Public Hearing.
- 7) Granting the Variance would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.
- 8) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood because it would be similar to the

other dwellings in the neighborhood, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings.

- 9) By granting the Variance, substantial justice would be done because there is no public benefit to be gained by requiring that the porch be constructed in a conforming location, while the loss to the applicant would be great.
- 10) Granting the Variance would not diminish the value of surrounding properties as the proposed addition will increase the value of the subject property and thereby increasing neighborhood valuations.
- 11) Special conditions exist for the subject property, such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. The Applicant's lot has two frontages each requiring a 25' setback. The subject lot line in the Variance request is located on a dead-end road. This road could be used to provide an additional access point to the area's Association's property. This inactive connector provides a natural buffer from adjoining properties. The Board determined that due to these unique conditions, a variance is necessary to enable the reasonable use of the property.
- 12) On May 18, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, Zewski, St. Peter, Jenny) and none (0) opposed to grant the request for the variance for the construction of a 14' x 22' screen porch located 10 ft. from the right-of-way, and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on June 15, 2016, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Nolin, Zewski, St. Peter, Jenny) and none (0) opposed.

The decision made to grant the variance on May 18, 2016, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

  
\_\_\_\_\_  
Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 6/16/16